Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1788-MLM-E **TCEQ ID:** RN102495421 **CASE NO.:** 31404

RESPONDENT NAME: Viridis Energy (Texas), LP

· · · · · · · · · · · · · · · · · · ·		
ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	XMULTI-MEDIA (check all that apply)	XINDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
X MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
facility location. INTERESTED PARTIES: No one other COMMENTS RECEIVED: The Texas R CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinated TCEQ Enforcement Coordinated Soest, Enforcement Division, M Respondent: Mr. Luong Nguye	tor: Ms. Dana Shuler, Enforcement Division, Enforcen	rest in this matter. comments were received. nent Team 7, MC 128, (512) 239-2505; Mr. David Van

RESPONDENT NAME: Viridis Energy (Texas), LP

DOCKET NO.: 2006-1788-MLM-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS a the map and the experience of the property of a Magazia da la sua de al sustantido de TAKEN/REQUIRED Type of Investigation: Total Assessed: \$46,046 Corrective Actions Taken: Complaint X Routine Total Deferred: \$9,209 The Executive Director recognizes that Viridis __ Enforcement Follow-up Energy has implemented the following X Expedited Settlement corrective measures at the Facility: Records Review Financial Inability to Pay Date of Complaint Relating to this Case: a. On May 19, 2006, the Notice of Registration None ("NOR") was amended to include the EPA SEP Conditional Offset: \$0 Hazardous Waste Number for the Facility's Date of Investigation Relating to this Case: 3,000 gallon capacity tank, which stores the Total Paid to General Revenue: \$36.837 January 23, 2006 Thermal Swing Absorption ("TSA") regenerate condensate waste streams 0001114H and Site Compliance History Classification Date of NOE Relating to this Case: August 31, 00021141; High X Average Poor 2006 (NOE) b. On August 28, 2006, Unit 014 was specified Person Compliance History Classification Background Facts: This was a routine on the NOR as the waste management unit for High X Average Poor contaminated soil (waste stream 0003302H); investigation. Four violations were documented. Major Source: X Yes ___ No c. On October 5, 2006, TCEO issued a Class C WASTE MSW Operator license to a supervisor of the Applicable Penalty Policy: September 2002 Facility: 1) Failed to have at least one properly licensed individual who supervises or manages the d. Adequate secondary containment for Tank operations at the landfill gas recovery Facility 001 was provided on September 21, 2006; and [30 Tex. Admin. Code § 30.201(b)]. e. Permit and plan modifications for the TSA 2) Failed to comply with the Facility's permit regenerative filtration system and associated and incorporated plans or other related equipment were received by TCEO on documents associated with the permit and December 20, 2006. failure to notify the executive director with modifications to the landfill gas collection system design [30 Tex. ADMIN. CODE §§ 330.121(a) [formerly 30 Tex. ADMIN. CODE § 330.150(1) incorporating 30 Tex. ADMIN. CODE § 330.111(a)] and 305.70(j)(21)]. 3) Failed to provide adequate secondary containment for a hazardous waste tank [30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 CODE OF FEDERAL REGULATIONS § 265.193(a)(1)]. 4) Failed to update the Facility's NOR [30 Tex.

ADMIN. CODE § 335.6(c)].

Policy Revision 2 (Septe	Penalty Calculatio	on Worksheet (PC	PCW Revision No	ovember 17, 2006
TCEQ	E Con 2000			
DATES Assigned PCW	5-Sep-2006 29-Mar-2007 Screening 15-Sep-2006	EPA Due		
RESPONDENT/FACILITY				
Respondent Reg. Ent. Ref. No.	Viridis Energy (Texas), LP			· ·
Facility/Site Region	12-Houston	Major/Minor Source	Major	
CASE INFORMATION				
Enf./Case ID No.	31404	No. of Violations	4	
	2006-1788-MLM-E	Order Type		-:
	Industrial and Hazardous Waste	Enf. Coordinator		
Multi-Media Admin. Penalty \$ L	Municipal Solid Waste imit Minimum \$0 Maximum	\$10,000	EnforcementTeam 8	
	Penalty Calcul	de la colonidad		#400.400
TOTAL BASE PENAL	TY (Sum of violation base penaltie)S)	Subtotal 1	\$100,100
ADJUSTMENTS (+/-)				
Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty (Subtotal 1) by	ranto con contrato e en la compansión de la compansión de la contratorio de la contratorio de la contratorio d	otals 2, 3, & 7	\$2.002
Compliance made		Emancement		42,002
Notes	The Respondent received one NOV	for a dissimilar violation.		
Culpability	· No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet t	he culpability criteria.		
Good Faith Effort	to Comply 10%	Reduction	Subtotal 5	\$10,010
	Before NOV NOV to EDPRP/Settlement Offer			
Extraordinary				
Ordinary	X			
N/A	(mark with x)			
Notes	The Respondent achieved complianc	e by December 20, 2006.		
		Enhancement*	Subtotal 6	\$0
Approx.	Total EB Amounts \$234 *Capp Cost of Compliance \$5,330	ed at the Total EB \$ Amount		
, Pb. 27.11	φο,333			
SUM OF SUBTOTAL	S 1-7		inal Subtotal	\$92,092
OTHER FACTORS A	S JUSTICE MAY REQUIRE	-50%	Adjustment	-\$46,046
	subtotal by the indicated percentage. (Enter number only			, , , , , , ,
Notes	Recommended reduction due to the length			
140103	the investigation and referral of this			
		Final Pe	nalty Amount	\$46,046
STATUTORY LIMIT A	ADJUSTMENT	Final Asse	essed Penalty	\$46,046
DEFERRAL		20% Reduction	Adjustment	-\$9,209
	nalty by the indicted percentage. (Enter number only; e.	. A	najusunetti	ΨΟ,ΣΟ
Natas	Deferral offered for expedi	ited cottlement		
Notes	Deletrationered for expedi	nou semement		

\$36,837

PAYABLE PENALTY

PCW

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

Screening Date 15-Sep-2006

Respondent Viridis Energy (Texas), LP

Case ID No. 31404

Reg. Ent. Reference No. RN102495421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Dana Shuler

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2) Number of... Component Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action NOVs (number of NOVs meeting criteria) Other written NOVs 2% 1 Any agreed final enforcement orders containing a denial of liability (number of orders 0 0% meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders without a denia Orders of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federa 0 0% government Any criminal convictions of this state or the federal government (number of counts) Convictions 0 0% Emissions Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government 0% No environmental requirements Adjustment Percentage (Subtotal 2) 2% >> Repeat Violator (Subtotal 3) No 0% Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) >> Compliance History Summary Compliance The Respondent received one NOV for a dissimilar violation. History Notes Total Adjustment Percentage (Subtotals 2, 3, & 7)

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Screening Dat	15-Sep-2006 Docket No. 2006-1788-MLM-E	PCW
# 18 - 18 - 18 - 18 - 18 - 18 - 18 - 18		cy Revision 2 (September 2002)
Case ID No		W Revision November 17, 2006
Reg. Ent. Reference No		
(4) (2) (2) (2) (3) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4	Industrial and Hazardous Waste	or and a second
Enf. Coordinato		4.000000
Violation Number		
Rule Cite(s	30 Tex. Admin. Code § 30.201(b)	
Violation Descriptio	Failed to have at least one properly licensed individual who supervises or manages operations at the landfill gas recovery Facility, as documented during an investigation conducted on January 23, 2006. Specifically, the supervisor of the solid waste operations did not have a Class A, B, C, or D municipal solid waste license.	
	Base Pena	**************************************
>> Environmental, Property	and Human Health Matrix	CONTRACTOR STATE OF THE STATE OF THE
	Harm	
Releas		en februario de la companya de la februario de la companya de la companya de la companya de la companya de la c Canada de la companya
OR Actu		
>>Programmatic Matrix		*
_Falsificatio	n Major Moderate Minor	-
A STATE OF THE STA	Percent 0%	
	alth or the environment will or could be exposed to pollutants which would exceed lever re protective of human health or environmental receptors as a result of the violation.	els
	Adjustment \$5,	000
		\$5,000
Violation Events		
Number of V	/iolation Events 8 235 Number of violation days	* • •
T-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A		990000000000000000000000000000000000000
79-000-00-00-0	daily	epperature of the second secon
mark only on with an x	monthly x Violation Base Pen semiannual annual	alty \$40,000
Assemble	single event	· · · ·
-		***************************************
Eight	nonthly events are recommended from the January 23, 2006 investigation date to the September 15, 2006 screening date.	
Economic Benefit (EB) for	his violation Statutory Limit Test	
Estima	red EB Amount \$22 Violation Final Penalty T	otal \$18,400
	This visition Pivot Assessed Bounts (advected for the	649 400
	This violation Final Assessed Penalty (adjusted for lin	nits) \$18,400

Respondent	A	conomic l	Caralle de la companya de la company	0,110	nieer and	obove the	
	Viridis Energy ((Texas), LP					
Case ID No.					1.5	parties in experience of	
Reg. Ent. Reference No.	fi:						
Media	Industrial and F	Hazardous Waste				Percent Interest	Years of
Violation No.	1					11011	Depreciation
	100 100				静。在 "万"	5.0	rustine in
As a postal constant	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Salt se				Later en	
	, tro commune care	M. S. C. C. C. Market and C.	week and he was a second to the	Katawa na Milana (197	Market Control of A. Add Control of Control		
Delayed Costs	1		Special of the discussion		F 186 26 1		
Equipment				0,0	\$0	\$0	\$0
Buildings	CEAN ACTOR E		illahe, yeşhe ilediği	0.0	\$0	\$0	\$0
Other (as needed)	Constant Land	STREET, CO.		0.0	\$0		\$0
Engineering/construction	La Simerior Pr	Personal State of the second		0.0	\$0	\$014722-1684	\$1 80
Land		X		0,0	\$0	n/a	\$0
Record Keeping System	KONIN TAND			0.0	\$0	i ⊪n/a	\$0
Training/Sampling	\$525	23-Jan-2006	5-Oct-2006	0.7	\$18	- thr/a	\$18
Remediation/Disposal	Commission .		TRUE TO THE TOTAL CONTROL OF THE TRUE TO THE TRUE TRUE TO THE TRUE TRUE TO THE TRUE TRUE TO THE TRUE TRUE TRUE TRUE TRUE TRUE TRUE TRU	0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	i n/a	\$0
Other (as needed)	\$105	23-Jan-2006	5-Oct-2006	0,7	\$4	n/a	\$4
	Estimated			ncidai so	ona waste ncense	. Date required is the	
Notes for DELAYED costs Avoided Costs	ANN		Service State	l date is		lance. one-time avoided o	costs)
Avoided Costs	241-75 0 0-30-000		Service State	I date is	item (except for	one-time avoided o	costs) \$0
Avoided Costs Disposal Personnel	ANN		Service State	ntering 0.0 0.0	item (except for \$0 \$0	one-time avoided o	costs) \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	241-75 0 0-30-000	IUALIZE [1] avoide	Service State	ntering 0.0 0.0 0.0 0.0 0.0 0.0		one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	241-75 0 0-30-000	IUALIZE [1] avoide	Service State	ntering 0.0 0.0 0.0 0.0 0.0 0.0		one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	241-75 0 0-30-000	IUALIZE [1] avoide	Service State	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided (\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	241-75 0 0-30-000	UALIZE [1] avoide	ad costs before e	ntering 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided (- \$0 - \$0 - \$0 - \$0 - \$0 - \$0 - \$0 - \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	241-75 0 0-30-000	UALIZE [1] avoide	ad costs before e	ntering 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided (\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Scre	ening Date	15-Sep-2006		D	ocket No.	. 2006-1788-MLM-E		PCW	
· ·	Respondent	Viridis Energy (Texas), LP				Policy Revision	n 2 (September 2002)	
	Case ID No.						PCW Revision	on November 17, 2006	
Reg. Ent. Re	ference No.	RN102495421							
Med	lia [Statute]	Industrial and H	łazardous W	/aste				-	
	Coordinator								
Viol	lation Number	<u> </u>							
	Rule Cite(s)	00 1000.7141				Fex. Admin. Code § 330 11(a)] and 305.70(j)(21)		***************************************	
Violatio	on Description	documents a modifications investigation Thermal Swin the Facility, wh	associated v s to the land n conducted g Absorption nich is not in	with the permit a lfill gas collection I on January 23 In regenerative to cluded in the Fa	and failure to on system do s, 2006. Spe filtration sys acility's pern	orporated plans or other or notify the executive disesign, as documented discifically, the Respondentem and associated equalit and incorporated plasmodification from the To	rector of uring an ut built a lipment at ns, without		1. 专
						Ва	se Penalty	\$10,000	
>> Environmenta	I. Property a	and Human F	lealth Mat	rix	1 1 1 2				e Si wa
	7		Harm						
	Release		Moderate	Minor					
OR	Actual					B 00/	7		
	Potential	<u> </u>				Percent 0%	· ·		
>>Programmatic	Matrix			8 78 B E 12	6 5 TO 25				
- i rogrammatic	Falsification	Major	Moderate	Minor		**			
		X				Percent 25%	1		
基度									
Matrix	Asia Salah								
Matrix Notes	The second of th		100% of th	e rule requirem	ent was not	met.			
534			<u> </u>					· New Jap	10
生姜精 上一							¢7 500	** .'	
2.5	2.3	T P I E	7879			Adjustment	\$7,500		
								\$2,500	İ .
									1
/iolation Events	连要单位的	1 13 2	255	16 2159	10000000000000000000000000000000000000	李菱 卷 经 经汇益的			
	N1 + £ \ //			a	005	This makes a five a letter of			
;	Number of VI	olation Events	8	<u>l</u> j	235	Number of violation d	ays	-	
		daily		1					
		monthly	X	1			•		
	mark only one	quarterly]		Violation Ba	se Penalty	\$20,000]
	with an x	semiannual							
		annual							
		single event		<u>]</u>					
	I 				- 		. 2711 . 1 3.1		-
	Eight n	nonthly events a				2006 investigation date	to the		
			Septem	nber 15, 2006 s	creening da	te.			
Economic Benef	it (EB) for th	nis violation				Statutory Limit T	est		
	Estimate	ed EB Amount		\$113	*	Violation Final Pe	enalty Total	\$9,200	
		_							
				This violation	Final Asse	essed Penalty (adjusted	d for limits)	\$9,200	<u>u</u>

	Particular regional policies and a	House the committee of			sheet	Marie Harry	
	Viridis Energy	(Texąs), LP				antick prairie	
Case ID No.	*						
Reg. Ent. Reference No.	8	Hazardous Waste				124.04	Years of
Violation No.		lazardous Waste			25.5	Percent Interest	Depreciation
	8 8 9 9 9		45574		e ata (Sila	5,0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		30000				新 基表
* N				AT 27 AND	manufactura and a second and a second	U TOTAL CONTINUE TO THE STATE OF THE STATE O	
Delayed Costs	1.15.44.5	9 9 9 5 9	AL BUILD				
Equipment	And the state of t	S A SPACE S		0.0	\$0	\$0	\$0
' Buildings			27.1.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2	0,0	\$0	1\$0	\$0
Other (as needed)	adition and		I. T. Williams	0,0	\$0	\$0	\$0
Engineering/construction	2/2/12/20/20/20/20/20/20/20/20/20/20/20/20/20			0.0	\$0 \$0	\$0 n/a	\$0 \\
Land Record Keeping System	Walter Control of the Control			0.0	\$0	n/a	\$0 \$0
Training/Sampling		And the control of th		0.0	\$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100000000000000000000000000000000000000	10.0	\$0	n/a	\$0
Other (as needed)	\$2,500	23-Jan-2006	20-Dec-2006				
		st to modify permits	s and all associate			n/a nd ensure that they a	
Notes for DELAYED costs 1;		st to modify permits	s and all associate	d docun	nents and plans are		are followed as
Notes for DELAYED costs 1: Avolded Costs	operational re	st to modify permits quirements at the fa	s and all associate acility. Date require c	d docun ed is the complian	nents and plans are date of the invest	nd ensure that they a	are followed as te is the date o
	operational re	st to modify permits quirements at the fa	s and all associate acility. Date require c	d docun ed is the complian	nents and plans are date of the investoce.	nd ensure that they a tigation and final dat one-time avoided o	are followed as te is the date o costs)
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	operational re	st to modify permits quirements at the fa	s and all associate acility. Date require c	ed documed is the complian intering 0.0 0.0 0.0 0.0	inents and plans are date of the investice. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ond ensure that they a tigation and final dat one-time avoided of \$0 \$0 \$0 \$0	are followed as te is the date of the date of the date of the costs) \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	operational re	st to modify permits quirements at the fa	s and all associate acility. Date require c	ed documed is the complian of	ments and plans at e date of the invest ice. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	nd ensure that they a tigation and final dat one-time avoided of \$0 \$0 \$0 \$0 \$0	are followed as te is the date costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Commence of the

Screening Date	e 15-Sep-2006		Docket No). 2006-1788-MLI	И- Е	PCW
[2] 하스, 10, 10, 10, 10 - 12, 1	t Viridis Energy (Te	xas), LP			Policy Rev	sion 2 (September 2002)
Case ID No					PCW Rev	ision November 17, 2006
Reg. Ent. Reference No						
	Industrial and Haz	zardous Waste				
Enf. Coordinato						
Violation Number	<u> </u>	· O-1- 8 00F 00(-)	(4)(D) 1.40	0-1		
Rule Cite(s	30 Tex. Adm	nin. Code § 335.69(a) 2	265.193(a)(1)	Code of Federal F	egulations §	coconer annotal y distance and the second annotal y
Violation Descriptio	documented d	de adequate seconda during an investigation dary containment was to place	n conducted o	n January 23, 200 for hazardous was	6. Specifically,	
					Base Penalty	\$10,000
>> Environmental, Property	and Human He	alth Matrix	5 J. J. J			-
Environmentally repeats		Harm		:		
Releas		oderate Minor		a a a a a a a a a a a a a a a a a a a	and the second s	
OR Actual			_	Banaant -	500/	
Potenti	al x			Percent	50%	
>>Programmatic Matrix						
Falsification	n Major M	oderate Minor				
				Percent	0%	
		ent will or could be ex n health or environm				Andrews Andrew
***************************************						\$5,000
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000000000000000000000000000000000000000	monthly	х				640.000
mark only on with an x	e quarterly			Viola	tion Base Penalty	\$40,000
With an A	annual					
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Eight	monthly events are	recommended from t September 15, 200			on date to the	
Economic Benefit (EB) for	this violation		2 4 ELE.	Statutory L	imit Test	
Estima	ted EB Amount		\$92	Violation F	inal Penalty Total	\$18,400
		This wister	tion Einal Acc	occod Danalty (a	djusted for limits)	\$18,400
		inis viola	uon rinai ASS	esseu Felially (a	ujusteu IVI IIIIIIS)[φ10,400

	. 3	Hazardous Waste				Percent Interest	Years of Depreciation
	75/11	14 5 21			等大學 提出 9	5,0	1
ltem Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	- " .		Y. C.			1	
Delayed Costs Equipment	pathornia salah salah			0,0 1	\$0	\$0 I	\$0
Buildings	MENT CON			0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	23-Jan-2006	21-Sep-2006	0.7	\$4	\$88	\$92
Engineering/construction	PARTITION OF THE PARTIT	22,000	A	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling			4-14-14-14-14-14-14-14-14-14-14-14-14-14	0.0	\$0	n/a	\$0
Remediation/Disposal		1 March 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		0.0	\$0	n/a	\$0
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Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.0	\$0	\$0	\$0
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Screening Date	15-Sep-2006	Docket	t No. 2006-1788-MLM-E	PCW
Respondent	Viridis Energy (Texas), LF			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision November 17, 2006
Reg. Ent. Reference No.			•	
BRO (THE TOTAL OF T	Industrial and Hazardous	Waste		on and the state of the state o
Enf. Coordinator Violation Number				,
Rule Cite(s)	4			
Kale Olic(3)		30 Tex. Admin. Code	e § 335.6(c)	
Violation Description	investigation conducted Number was not include the Thermal Swing Abs 00021141. Also, the corre	on January 23, 2006. Set on the NOR for the 3, orption regenerate concect waste management	tion ("NOR"), as documented di Specifically, the EPA Hazardous ,000 gallon capacity tank, which densate waste streams 0001114 unit for contaminated soil (wast or specified as "none at this time	Waste n stores 4H and e stream
			Base	Penalty \$10,000
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			Adjustment	\$9,900
volument of the state of the st				\$100
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mark only one with an x	quarterly		Violation Base	e Penalty \$100
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	One	single event is recomm	ended.	
Economic Benefit (EB) for th	nis violation		Statutory Limit Tes	st
Estimate	ed EB Amount	\$6	Violation Final Pena	alty Total \$46
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		inis violation Final	Assessed Penalty (adjusted f	for limits) \$46

Respondent Viridis Energy (Texas), LP Case ID No. 31404 Rég. Ent. Reference No. RN102495421 Weldia Industrial and Hazardous Waste Violation No. 4 Percent Interest Depreciation Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount Item Description No. commas or \$ Delayed Costs Equipment		SATISFABORONO PROPERTY.	conomic E		Oiks		endika se popula	
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Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount	ASSA SA STANDARD STA	8	hazardous waste				Percent Interest	
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Compliance History

Customer/	Respondent/Owner-Operato	r: CN601281	835 Viridis	Energy (Texas), LP		Classification	n: AVERAGE	Rating: 2.16
Regulated	Entity:	RN102495	5421 ATAS	COCITA LFGTE FAC	ILITY	Classification	n: AVERAGE	Site Rating: 2.25
ID Numbel	r(s):	AIR NEW AIR NEW AIR NEW AIR NEW AIR NEW AIR OPEF AIR OPEF MUNICIP	IAL AND HAZA	MITS MITS MITS MITS MITS MITS TS	ACCOUNT REGISTRA' PERMIT PERMIT EPA ID AFS NUM ACCOUNT PERMIT REGISTRA' SOLID WAS (SWR)	NUMBER	ATION#	HX2716F 74012 44278 N032 PSDTX973 1567 HX2716F 2565 48006 87737
Location:			SON RD, HUMB	BLE, TX, 77396	(5111.)	Rating Date	: 9/1/2006 Repe	eat Violator: NO
TCEQ Reg	gion:	REGION 1	12 - HOUSTON					
Date Com	pliance History Prepared:	December	08, 2006					
Agency De	ecision Requiring Complianc	e History: Enforceme	ent ^r			\$r	the second second	
Compliano	ce Period:	December	08, 2001 to De	cember 08, 2006				
TCEQ Sta	ff Member to Contact for Ad	ditional Information Reg	arding this Com	pliance History (512) 239-2505	**************************************			
Name.	Bulla Official			(6.2) 200	,			
2. Has the3. If Yes, v4. if Yes,	e site been in existence and/our ere been a (known) change in who is the current owner? who was/were the prior own did the change(s) in owners!	n ownership of the site d	-		Yes No N/A N/A N/A		· · · · · · · · · · · · · · · · · · ·	
Compor	ents (Multimedia) for th	ie Site :			'			_
А.	Final Enforcement Orders, N/A Any criminal convictions of				and the federa	I government.	• •	
	N/A	·						
C.	Chronic excessive emission	is events.						
D.	2 08/30/2006 (45	stigations. (CCEDS Inv. 53316) 53940) 99665)	Track. No.)					
E.	Written notices of violations	(NOV). (CCEDS Inv. T	rack. No.)					
	3	(439665) 0 TAC Chapter 101, Sul 0 TAC Chapter 116, Sul 0 TAC Chapter 122, Sul	bChapter B 116	.20(3) .115(c)	cation: Modera	ate		
	Rqmt Prov:	PERMIT IA	,	`,				
	Self Report? NO	Failure to calibrate instru 0 TAC Chapter 122, Su		Classifi	Category B19g(cation: Modera			

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Rqmt Prov:

Description:

Failure to submit deviation reports no later than 30 days after the end of the reporting

Classification: Moderate

period.

Self Report? NO

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

Rqmt Prov:

Citation:

OP IA

Description:

Failure to submit Annual Compliance Certification no later than 30 days after the end of

the certification period.

Environmental audits. F.

N/A

Type of environmental management systems (EMSs). G.

Voluntary on-site compliance assessment dates. Н.

N/A

Participation in a voluntary pollution reduction program. ١.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VIRIDIS ENERGY (TEXAS), LP	§	
RN102495421	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-1788-MLM-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Viridis Energy (Texas), LP ("Viridis Energy") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Viridis Energy appear before the Commission and together stipulate that:

- 1. Viridis Energy owns and operates a landfill gas recovery facility at 3623 Wilson Road in Humble, Harris County, Texas (the "Facility").
- 2. The Facility involves or involved the management of municipal solid waste and industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
- 3. The Commission and Viridis Energy agree that the Commission has jurisdiction to enter this Agreed Order, and that Viridis Energy is subject to the Commission's jurisdiction.
- 4. Viridis Energy received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Viridis Energy of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Forty-Six Thousand Forty-Six Dollars (\$46,046) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Viridis Energy has paid Thirty-Six Thousand Eight Hundred Thirty-Seven Dollars (\$36,837) of

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the administrative penalty and Nine Thousand Two Hundred Nine Dollars (\$9,209) is deferred contingent upon Viridis Energy's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Viridis Energy fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Viridis Energy to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Viridis Energy have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Viridis Energy has implemented the following corrective measures at the Facility:
 - a. On May 19, 2006, the Notice of Registration ("NOR") was amended to include the EPA Hazardous Waste Number for the Facility's 3,000 gallon capacity tank, which stores the Thermal Swing Absorption ("TSA") regenerate condensate waste streams 0001114H and 00021141;
 - b. On August 28, 2006, Unit 014 was specified on the NOR as the waste management unit for contaminated soil (waste stream 0003302H);
 - c. On October 5, 2006, TCEQ issued a Class C MSW Operator license to a supervisor of the Facility;
 - d. Adequate secondary containment for Tank 001 was provided on September 21, 2006; and
 - e. Permit and plan modifications for the TSA regenerative filtration system and associated equipment were received by TCEQ on December 20, 2006.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Viridis Energy has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Viridis Energy is alleged to have:

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- 1. Failed to have at least one properly licensed individual who supervises or manages the operations at the landfill gas recovery Facility, in violation of 30 Tex. ADMIN. CODE § 30.201(b), as documented during an investigation conducted on January 23, 2006. Specifically, the supervisor of the solid waste operations did not have a Class A, B, C, or D municipal solid waste license.
- 2. Failed to comply with the Facility's permit and incorporated plans or other related documents associated with the permit and failure to notify the executive director with modifications to the landfill gas collection system design, in violation of 30 Tex. ADMIN. Code §§ 330.121(a) [formerly 30 Tex. ADMIN. Code § 330.150(1) incorporating 30 Tex. ADMIN. Code § 330.111(a)] and 305.70(j)(21), as documented during an investigation conducted on January 23, 2006. Specifically, Viridis Energy built a TSA regenerative filtration system and associated equipment at the Facility, which is not included in the Facility's permit and incorporated plans, without first obtaining approval of a permit amendment/modification from the TCEQ.
- 3. Failed to provide adequate secondary containment for a hazardous waste tank, in violation of 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 Code of Federal Regulations § 265.193(a)(1), as documented during an investigation conducted on January 23, 2006. Specifically, adequate secondary containment was not provided for hazardous waste Tank 001 prior to placing it into service.
- 4. Failed to update the Facility's NOR, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on January 23, 2006. Specifically, the EPA Hazardous Waste Number was not included on the NOR for the 3,000 gallon capacity tank, which stores the TSA regenerate condensate waste streams 0001114H and 00021141. Also, the correct waste management unit for contaminated soil (waste stream 0003301H) should be added to the NOR or specified as "none at this time".

III. DENIALS

Viridis Energy generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Viridis Energy pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Viridis Energy's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Viridis Energy (Texas), LP, Docket No. 2006-1788-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

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- 2. The provisions of this Agreed Order shall apply to and be binding upon Viridis Energy. Viridis Energy is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Viridis Energy in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to Viridis Energy, or three days after the date on which the Commission mails notice of the Order to Viridis Energy, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

LUONA NAUYEN

Name (Printed or typed)

Authorized Representative of Viridis Energy (Texas), LP

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director	$\frac{8/9/2007}{Date}$
attached Agreed Order on behalf of the e	tand the attached Agreed Order. I am authorized to agree to the entity, if any, indicated below my signature, and I do agree to the I further acknowledge that the TCEQ, in accepting payment for on such representation.
failure to timely pay the penalty amount,	ance history; plications submitted by me; rney General's Office for contempt, injunctive relief, additional to a collection agency; enforcement actions against me; y General's Office of any future enforcement actions against me;
Signature Signature	3 April 2007

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

VICE PRESIDENT

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